

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

Ana Faria, Philipe Faria, Marta Faria,)
Catarina Travasso as successors in interest)
and heirs at law of Apolonia Morais)
Marta Faria in her capacity as)
administratrix of the Estate of Apolonia)
Morais)
Plaintiffs)
v.) Case No.: 1:19-cv-00427-MSM-LDA
Citizens Bank, N.A, Citizens Bank,)
N.A. d/b/a Citizens One Home Loans)
Otoro, LLC)
Defendants)

)

MOTION TO DISMISS AMENDED COMPLAINT

NOW COMES the Defendants, Citizens Bank, N.A. and Citizens Bank, N.A. d/b/a Citizens One Home Loans (“Citizens”), in the above-captioned matter and moves to dismiss Plaintiffs’ Amended Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure on the ground that the Amended Complaint fails to state a claim upon which relief can be granted.

Pursuant to an Order of the Court, Plaintiffs were directed to file a Motion to amend their Complaint. In derogation of the Court Order, Plaintiffs filed an Amended Complaint without filing a motion to amend. As a matter of course, Plaintiffs’ Amended Complaint should be

stricken for failure to comply with the Court's Order. In addition, the Amended Complaint was not served upon Citizens in accordance with Rule 4 of the Federal Rules of Civil Procedure.

Notwithstanding, Citizens renews its motion to dismiss as the Amended Complaint fails to state a claim upon which relief at law may be granted in addition to other procedural defects.

WHEREFORE, Citizens prays that Plaintiffs' Amended Complaint be denied and dismissed together with such other and further relief as this Honorable Court deems meet and just.

Respectfully Submitted

/s/ *Michael R. Hagopian*

Date: December 28, 2020

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CERTIFICATE OF SERVICE

I hereby certify that, on the 28th day of December, 2020 I filed and served this document through the electronic filing system and electronically served John Ennis. The document electronically filed and served is available for viewing and/or downloading from the Court's ECF Filing System.

/s/ *Michael R. Hagopian*

Michael R. Hagopian